

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 L-03 ARA-16 SS-15

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DRAFTED BY EB/AN:PIGLASOE:DAP

APPROVED BY EB/AN:MHSTYLES

EUR/IB - MR. MC COWN

EB/OA - MR. MEADOWS (DRAFT)

CAB - MISS PETT (INFO)

----- 127447

R 022219Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY MADRID

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E.O. 11652:N/A

TAGS: ETRN, SP

SUBJECT: CIVAIR - IBERIA'S FOREIGN AIR CARRIER PERMIT

1. EMBASSY MAY RECALL THAT, NOT LONG AFTER IT RECEIVED ITS NEW FOREIGN AIR CARRIER PERMIT FROM THE CAB, IBERIA FILED WITH THE CAB A PETITION FOR RECONSIDERATION OF THE PERMIT. IT CLAIMED THAT IT NEEDED FLEXIBILITY IN THE MANNER IT COULD SERVE THE POINTS BEYOND SAN JUAN (PARTICULARLY ON SPANISH ROUTE 2(B)). IT SAID THE BILATERAL AGREEMENT PROVIDED SPANISH CARRIERS SUCH FLEXIBILITY, BUT THE PERMIT DID NOT, SINCE ITS LANGUAGE REQUIRES THAT CENTRAL AMERICAN POINTS BE SERVED IN A NORTH-SOUTH DIRECTION ONLY.

2. ORDER IN WHICH SPAIN'S POINTS BEYOND SAN JUAN ARE LISTED IN AGREEMENT'S ROUTE SCHEDULE IS THAT PROPOSED BY SPANISH AND QUESTION OF HOW THESE POINTS WOULD BE SERVED WAS ONE ON WHICH THERE WAS NO DISCUSSION DURING NEGOTIATIONS. PROBLEM NOW IS THAT CAB UNABLE ACT POSITIVELY ON

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IBERIA'S PETITION FOR VARIETY LEGAL CONSIDERATIONS.

DILEMMA COULD ON OTHER HAND, BE EASILY RESOLVED THROUGH MINOR AMENDMENT TO THE ROUTE SCHEDULE, WHICH, ONCE ACCOMPLISHED, WOULD PROVIDE BASIS FOR CAB TO MAKE APPROPRIATE AMENDMENT IN IBERIA'S PERMIT. SUBSTANCE OF AMENDMENT WOULD BE TO INSERT "TO COTERMINAL POINTS" ON ALL BEYOND SECTORS OF THE ROUTES. IN ORDER TO ENSURE OPTICAL RECIPROCITY, SAME LANGUAGE WOULD BE USED IN RESPECT TO ROUTES OF

BOTH SIDES.

3. ON OCTOBER 2 WE PRESENTED SPANISH EMBOFF (BARCIA) AN AIDE MEMOIRE ON THE SUBJECT, SUGGESTING SUCH AN AMENDMENT TO THE BILATERAL (COPY POUCHED TO EMBASSY MADRID). DURING DISCUSSION, BARCIA QUESTIONED WHETHER INITIAL PERMIT ISSUED BY CAB DID NOT IN FACT GIVE IBERIA LESS RIGHTS THAN SPAIN OBTAINED IN THE BILATERAL AGREEMENT. IT WAS EXPLAINED THAT 1) IN NEGOTIATIONS SPAIN NEVER ASKED FOR THE FLEXIBILITY IBERIA NOW SEEKS AND 2) ROUTES ARE UNIVERSALLY EXPECTED TO BE SERVED IN THE ORDER THE POINTS ARE DESCRIBED IN AN AGREEMENT. QUESTION WHETHER OR NOT US WOULD HAVE BEEN WILLING EXPLICITLY TO GRANT SPAIN COMPLETE FLEXIBILITY IN HOW IBERIA COULD SERVE POINTS BEYOND SAN JUAN IS ACADEMIC. POINT IS SPAIN DID NOT SEEK SUCH FLEXIBILITY AND CAB, FOLLOWING ITS STANDARD PRACTICE, DELINEATED IBERIA'S ROUTE RIGHTS IN ITS PERMIT IN THE ORDER THE POINTS WERE SET OUT IN THE AGREEMENT. SECOND POINT RAISED BY BARCIA WAS WHETHER OUR PROPOSAL TO INCORPORATE LANGUAGE COTERMINALIZING BEYOND POINTS ON BOTH SPANISH AND US ROUTES IS TRULY ONLY FOR OPTICAL PURPOSES. IT WAS EXPLAINED THAT WE ARE SATISFIED WITH THE ROUTE AS IT WAS NEGOTIATED, THAT COTERMINALIZING THE US BEYONDS HAS NO REAL VALUE IN VIEW OF THE NATURE OF THE ROUTE (MINIMAL PRACTICAL POSSIBILITIES FOR SERVING POINTS IN DIFFERENT ORDER), THAT WE COULD NOT SIMPLY MAKE A UNILATERAL CONCESSION TO SPAIN (WHAT IBERIA SEEKS IS OBVIOUSLY OF POTENTIAL ECONOMIC VALUE TO IT OR IT WOULD NOT BE GOING TO THIS TROUBLE) WITHOUT AT LEAST SOME OPTICAL RECIPROCITY.

4. BARCIA PROMISED TO FORWARD US PROPOSAL TO GOS FOR LIMITED OFFICIAL USE

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CONSIDERATION. NO EMBASSY ACTION REQUIRED. KISSINGER

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